



# Hazardous Materials Business Plan

*This guidance is not intended to provide legal advice. This guidance is intended to only provide a brief summary of the business plan submittal requirements that are in place as a result of Assembly Bill (AB) 1429.*

## Changes in Business Plan Submittal Requirements

In July 2019, Governor Newsom signed AB 1429, which goes into effect January 1, 2020. AB 1429 changes the required reporting frequency for hazardous materials handlers not required to submit Tier II information pursuant to the federal Emergency Planning and Community Right to Know Act (EPCRA) and not subject to the requirements of the Aboveground Petroleum Storage Act (APSA).

In brief, starting January 1, 2020,

- Handlers **not** subject to EPCRA and APSA requirements:
  - Must still provide annual certification, but
  - May submit their business plan every three years rather than annually.
- Handlers subject to EPCRA or APSA requirements:
  - Must submit their business plan annually.

The specifics of the business plan submittal requirements effective January 1, 2020 are set forth below.

### I. Annual Certification Requirements

Effective January 1, 2020, all handlers of hazardous material, whether subject or not to EPCRA or APSA, are still required to annually review and certify that their information in California Environmental Reporting System (CERS) is complete, accurate and in compliance with EPCRA. (Health & Safety Code, § 25508.2.)

The process depicted at the end of this document provides guidance to handlers on how they can meet the certification requirement in CERS. By using this process a handler can automatically create, review, and submit the Hazardous Materials Business Plan (HMBP) elements from their last revision on file in CERS.

Please note that the facility must have at least one submittal on file in CERS for each of the HMBP submittal elements in order for this feature to be available to them.



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## II. Handlers Subject to EPCRA or APSA Requirements

Effective January 1, 2020, handlers subject to EPCRA or APSA requirements are still required to submit their business plan information into CERS annually on the submittal date established by their Unified Program Agency, or annually on or before March 1 if there is no established date.

### A. EPCRA Requirements

Section 312(a) of EPCRA requires owners or operators of facilities that handle hazardous chemicals in quantities equal to or greater than the threshold values to report information to the State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC) and to the local fire department. The term "hazardous chemical" means "any chemical which is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified." (29 CFR § 1910.1200(c).) In California, owners and operators meet the Section 312(a) requirement by submitting this information to CERS.

The thresholds for Tier II EPCRA can be found in 40 CFR Part 370, and are summarized as:

EPCRA Tier II Reporting Chemicals	EPCRA Reportable Thresholds
Extremely Hazardous Substances (EHSs, EPCRA Section 302)	500 pounds or the threshold planning quantity, whichever is lower (40 CFR Part 355, Appendices A and B, or "List of Lists")
Gasoline in underground storage tanks at retail gas stations	75,000 gallons (all grades combined)*
Diesel fuel in underground storage tanks at retail gas stations	100,000 gallons (all grades combined)*
All other hazardous chemicals for which Safety Data Sheets are required	10,000 pounds

\*If an underground storage tank facility has had any violation in the past year they must submit HMBP elements annually regardless of total volume stored.

## III. Handlers Not Subject to EPCRA or APSA Requirements

Effective January 1, 2020, handlers not subject to the requirements of EPCRA and APSA may submit their business plan every three years rather than annually. For example, if the last due date was July 1, 2019, the next due date will be July 1,



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2022. Some local jurisdictions may have more restrictive submittal frequency requirements (e.g. a local ordinance may require an annual HMBP submittal). Contact with your local Unified Program Agency for clarification.

## CERS Certification Process

1. Log in to CERS
2. Select business (if user is associated with more than 1 business)
3. Select Start/Edit Submittal next to the facility you are recertifying
4. Click "Create All HMBP Submittal Elements". Note that if you have any of the HMBP elements (Facility Information, Hazardous Materials Inventory, or Emergency Response and Training Plans) in **Draft** form the "Create all HMBP Elements" option will not be displayed. In that case just Start the HMBP elements that are not in Draft form and Submit like normal. If any of the HMBP elements indicate the last submittal was Not Accepted, please read the review comments by going to Submittal History under the Submittals tab. Revise as directed before resubmitting.

California Environmental Reporting System: Business

Staging  
Build: 3.04.0005

Jim Whittle's Account Sign Out Tools Reports Help

CERS Business Home Submittals Facilities Compliance My Business

Prepare Draft Submittal: TEST GAS N GO  
Home » Prepare Submittal (10210429)

Instructions/Help

Use this page to prepare draft submittals for your facility to transmit to your local regulator(s). Make sure to review any status and guidance messages for your forms or submittals by selecting the guidance icons.

- Select "Start" button to create a submittal from scratch or copied from a previous submittal.
- Select "New" and "Edit" buttons to complete specific submittal forms or provide supplemental documentation.
- Select "Discard" button to delete a draft form/documentation when you need to re-start a form or it is no longer relevant for your draft submittal.
- Select "Not Applicable" if you believe the submittal element is no longer relevant for your facility (e.g., closed UST tank).
- Select "Submit" when you are ready to transmit one or more submittals to your local regulator(s). ALL submittals must include a Facility Information element.

**Staging Use Only! Perform Official Submittals Here**

If there has been **NO CHANGE** in the HMBP submittal elements (*Facility Information, Hazardous Material Inventory, and Emergency Response/Training Plans*) since the last submittal, you may select the following button to prepare them. **Create All HMBP Submittal Elements**

Facility Information **NOT ACCEPTED Jan. 2, 2020** Start Not Applicable

Business Activities If the last submittal status is Not Accepted go to Submittal History  
Business Owner/Operator Identification under submittals tab and review comments and revise before resubmitting

Hazardous Materials Inventory ACCEPTED Jan. 2, 2020 Start Not Applicable

Hazardous Material Inventory (4)  
Site Map (Official Use Only): Upload Document(s)

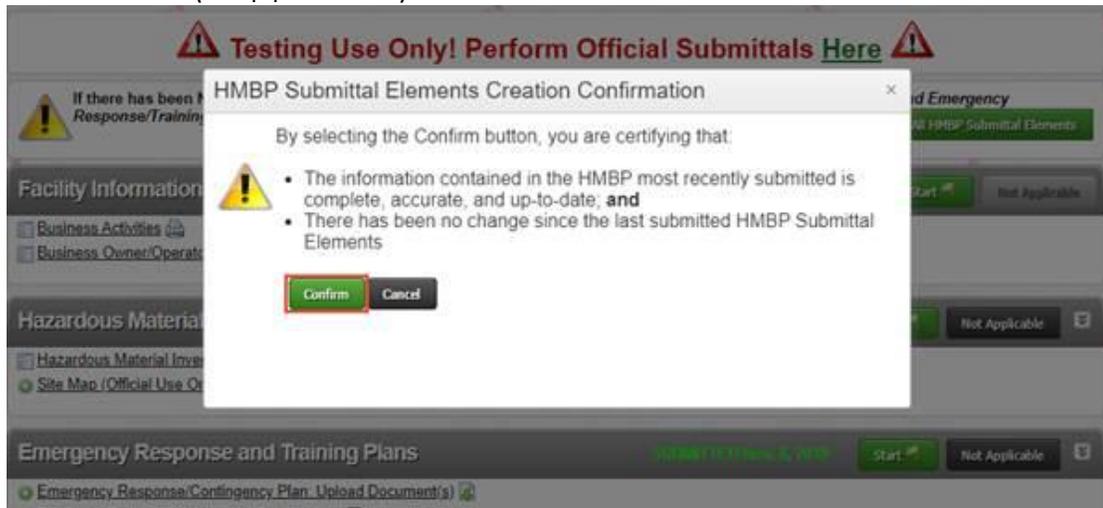
Emergency Response and Training Plans ACCEPTED Jan. 2, 2020 Start Not Applicable

Emergency Response/Contingency Plan: Upload Document(s)  
Employee Training Plan: Provided Elsewhere in CERS



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5. Review and confirm information is complete, accurate and in compliance with EPCRA (if applicable)



Please note that Cal OES is currently working with CalEPA to amend the certification statement in CERS to reflect compliance with EPCRA.

6. Click "Submit Selected Elements"

